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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RICHARD CHARLES THOMAS, JR.,  
  
Defendant.

CASE NO. 1:21-CR-00158-JLT-SKO  
  
AMENDED STIPULATION REGARDING  
EXCLUDABLE TIME PERIODS UNDER SPEEDY  
TRIAL ACT; ORDER  
  
CURRENT DATE: January 18, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and RICHARD CHARLES THOMAS, JR., by and through defendant's counsel of record, Daniel Harralson, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 18, 2023.
2. By this stipulation, defendant now moves to continue the status conference until May 3, 2023, and to exclude time between January 18, 2023, and May 3, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4.]
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
  - a) The government asserts the discovery associated with this case includes reports,

1 photographs, and recordings; discovery has been provided to defense counsel. The government  
2 is aware of its ongoing discovery obligations.

3 b) Counsel for defendant desires additional time to consult with her client, to review  
4 the current charges, to conduct investigation and research related to the charges, to review and/or  
5 copy discovery for this matter, to discuss potential resolutions with her client, to prepare pretrial  
6 motions, and to otherwise prepare for trial.

7 c) Counsel for defendant believes that failure to grant the above-requested  
8 continuance would deny them the reasonable time necessary for effective preparation, taking into  
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the  
12 case as requested outweigh the interest of the public and the defendant in a trial within the  
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
15 et seq., within which trial must commence, the time period of January 18, 2023 to May 3, 2023,  
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4],  
17 because it results from a continuance granted by the Court at defendant's request on the basis of  
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
19 of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
22 must commence.

23  
24 IT IS SO STIPULATED.

25 Dated: January 13, 2023

26 PHILLIP A. TALBERT  
United States Attorney

27 /s/ JESSICA A. MASSEY  
28 JESSICA A. MASSEY  
Assistant United States Attorney

1 Dated: January 13, 2023

/s/ DANIEL HARRALSON

DANIEL HARRALSON

Counsel for Defendant

RICHARD CHARLES

THOMAS, JR.

6 **ORDER**

7 IT IS SO ORDERED.

8 The parties shall be prepared to select a mutually agreeable trial date at the next status  
9 conference.

10 DATED: 1/13/2023

*Sheila K. Oberto*

Hon. Sheila K. Oberto

U.S. Magistrate Judge